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<p style="text-align: center;">177</p> <p>1 A. After the bill was filed, but prior to it being 2 heard in committee. 3 Q. Were those conversations in writing or verbal? 4 A. Verbal. 5 Q. Was anybody else a party to those 6 conversations? 7 A. Yes. 8 Q. And who was that? 9 A. Bryan Hebert. 10 Q. Anyone else? 11 A. I'm trying to think. It all runs together. 12 Ryan Larue, I think, was in on one of those meetings. 13 Amanda Montague, I think, was in on one of those 14 meetings. 15 Q. Anyone else? 16 A. I don't think so. 17 Q. And were those meetings about how SB 14 would 18 be implemented? 19 MR. FREDERICK: I want to just caution the 20 witness, the question asked, you may answer, but please 21 don't reveal the substance of any communication. 22 THE WITNESS: Right. 23 A. Yes. 24 Q. (By Ms. Maranzano) And what were the nature of 25 those conversations?</p>	<p style="text-align: center;">179</p> <p>1 Q. (By Ms. Maranzano) What was the purpose of 2 removing from SB 14 the option for voters to show a 3 valid employee ID? 4 MR. FREDERICK: Objection, legislative 5 privilege. Instruct you not to answer. 6 Q. (By Ms. Maranzano) Did any legislators express 7 concern to Senator Fraser that the election 8 identification certificate pursuant to SB 14 would be 9 difficult for their constituents to obtain? 10 MR. FREDERICK: I'll object on legislative 11 privilege. However, to the extent any concerns were 12 raised on the Floor in committee, you may testify about 13 that. 14 A. I don't recall. Yeah. That was added by the 15 conference committee, and so I -- the debate on the bill 16 at that point, I don't think anybody raised it on the 17 Floor. 18 Q. (By Ms. Maranzano) Prior to the addition of 19 the election identification certificate, was there a 20 provision that allowed for a different sort of 21 pre-identification in SB 14? 22 A. Yes. 23 Q. And was that a form of identification that 24 needed to be obtained at driver's license offices? 25 A. Yes, ma'am.</p>
<p style="text-align: center;">178</p> <p>1 MR. FREDERICK: Object on the basis of 2 legislative privilege. Instruct you not to answer. 3 A. I'll assert privilege. 4 Q. (By Ms. Maranzano) Ms. McCoy, wouldn't it be 5 fair to say that the standards by which a poll worker is 6 going to verifying the identity of a voter is pretty 7 central to the purpose of SB 14? 8 MR. FREDERICK: Objection. Objection, 9 calls for speculation. Objection to the extent it calls 10 for thoughts and mental impressions about SB 14. I 11 object on the basis of legislative privilege and 12 instruct you not to answer. 13 A. I'll assert privilege. 14 MS. MARANZANO: Let's take a break. 15 (Recess from 3:46 p.m. to 3:56 p.m.) 16 MS. MARANZANO: Back on the record. 17 Q. (By Ms. Maranzano) Ms. McCoy, you testified 18 earlier that under SB 362, a voter could show a state or 19 a federal-issued photo ID; is that correct? 20 A. Yes, ma'am. 21 Q. What was the purpose of removing that form of 22 photo identification from the required forms of ID 23 allowed under SB 14? 24 MR. FREDERICK: Objection, legislative 25 privilege. Instruct you not to answer.</p>	<p style="text-align: center;">180</p> <p>1 Q. And does the election identification 2 certificate also need to be obtained at driver's license 3 offices? 4 A. Yes, ma'am. 5 Q. Did anybody testify on the Floor about the 6 distance their constituents would need to travel to get 7 to a driver's license office? 8 A. Yes, ma'am. 9 Q. Did anybody testify on the Floor about the lack 10 of public transportation options available to driver's 11 license offices? 12 A. I don't specifically remember that point being 13 raised, but I'm sure it was. 14 Q. Did anybody testify on the Floor about the wait 15 times at driver's license offices? 16 A. Yes. 17 Q. Did anybody testify on the Floor about the cost 18 of obtaining the required underlying documentation to 19 obtain the identification that needed to be issued free 20 of charge under SB 14? 21 A. I don't specifically recall, but I assume yes. 22 Q. What was the Senator's response to these 23 concerns that were raised on the Floor? 24 MR. FREDERICK: I'll just object, 25 legislative privilege, only to the extent the question</p>

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<p style="text-align: center;">181</p> <p>1 could be construed to ask for confidential privileged</p> <p>2 communications, but anything on the Floor, you may</p> <p>3 testify about.</p> <p>4 A. I don't remember how he responded to those</p> <p>5 particular complaints on the Floor specifically.</p> <p>6 Q. (By Ms. Maranzano) Did he conduct any</p> <p>7 analyses, or did you conduct any analysis at his request</p> <p>8 on any of these issues?</p> <p>9 MR. FREDERICK: Objection, legislative</p> <p>10 privilege. Instruct you not to answer.</p> <p>11 A. I'll assert.</p> <p>12 Q. (By Ms. Maranzano) You'll assert the</p> <p>13 privilege?</p> <p>14 A. Yes, ma'am.</p> <p>15 Q. What were the circumstances by which the</p> <p>16 license to carry a concealed handgun were included in SB</p> <p>17 14?</p> <p>18 MR. FREDERICK: Object on the grounds of</p> <p>19 legislative privilege, to the extent it seeks thoughts,</p> <p>20 mental impressions or confidential communications among</p> <p>21 legislators or staff or agencies. To the extent you can</p> <p>22 answer without revealing any of that, you may.</p> <p>23 A. It was added as an amendment by Senator</p> <p>24 Hinojosa.</p> <p>25 Q. Do you know the racial composition of license</p>	<p style="text-align: center;">183</p> <p>1 Q. Was there any discussion expressing concern</p> <p>2 that this form of ID might disproportionately favor</p> <p>3 white voters?</p> <p>4 MR. FREDERICK: Same objection,</p> <p>5 legislative privilege, only to the extent it seeks</p> <p>6 confidential communications, but to the extent that</p> <p>7 there were.</p> <p>8 A. Not that I know of.</p> <p>9 Q. (By Ms. Maranzano) How did the exception for</p> <p>10 individuals with disabilities come to be included in SB</p> <p>11 14?</p> <p>12 MR. FREDERICK: Object on legislative</p> <p>13 privilege, only to the extent it seeks confidential</p> <p>14 communications and thought processing and mental</p> <p>15 impressions. To the extent it seeks information about</p> <p>16 the legislative process or testimony, you may answer.</p> <p>17 A. Senator Patrick offered an amendment, and</p> <p>18 Senator Fraser accepted it.</p> <p>19 Q. (By Ms. Maranzano) What was the purpose of</p> <p>20 this provision?</p> <p>21 MR. FREDERICK: Object to the legislative</p> <p>22 privilege. I instruct you not to answer.</p> <p>23 A. I think that the record -- Senator Patrick</p> <p>24 probably on the record said why he wanted to include</p> <p>25 it. I don't recall what he said.</p>
<p style="text-align: center;">182</p> <p>1 to carry license holders?</p> <p>2 A. No.</p> <p>3 Q. Is it disproportionately white relative to</p> <p>4 Texas registered voters?</p> <p>5 A. I do not know.</p> <p>6 Q. Are you aware of whether any staff or</p> <p>7 legislator investigated the racial composition of</p> <p>8 license to carry holders?</p> <p>9 MR. FREDERICK: I'll object only to the</p> <p>10 extent that it seeks the substance or nature of the</p> <p>11 investigations, whether or not you were aware, you may</p> <p>12 answer.</p> <p>13 A. I am not aware.</p> <p>14 Q. (By Ms. Maranzano) Was there any discussion</p> <p>15 expressing concern that this form of identification</p> <p>16 might disproportionately favor white voters?</p> <p>17 MR. FREDERICK: Object on the grounds of</p> <p>18 legislative privilege, to the extent there was</p> <p>19 discussion on the Floor and committee on the record, you</p> <p>20 may answer.</p> <p>21 Q. (By Ms. Maranzano) Are you asserting</p> <p>22 privilege?</p> <p>23 A. Well, Senator Hinojosa offered the amendment,</p> <p>24 so I think -- I don't -- I can't speak to his research</p> <p>25 on the bill or on his amendment.</p>	<p style="text-align: center;">184</p> <p>1 Q. (By Ms. Maranzano) Was this amendment in</p> <p>2 response to concerns by any particular groups or</p> <p>3 constituencies?</p> <p>4 MR. FREDERICK: Object on the basis of</p> <p>5 legislative privilege. To the extent there's -- you</p> <p>6 have any nonprivileged basis to answer, you may.</p> <p>7 A. I think that -- well, again, I don't want to</p> <p>8 speak for Senator Patrick because I -- I don't want to</p> <p>9 speak for Senator Patrick. But there was an individual</p> <p>10 that testified on the Floor during the Senate committee</p> <p>11 debate that was fairly moving, and I think Senator</p> <p>12 Patrick wanted to do something to help him.</p> <p>13 Q. (By Ms. Maranzano) What was the general nature</p> <p>14 of that testimony?</p> <p>15 A. I don't know. I didn't listen to it.</p> <p>16 Q. Was there any testimony on the Floor related to</p> <p>17 difficulties other individuals might have obtaining</p> <p>18 identification?</p> <p>19 A. I don't know. I didn't listen to the</p> <p>20 testimony.</p> <p>21 Q. What -- what was your -- your role during the</p> <p>22 Floor consideration of SB 14?</p> <p>23 MR. FREDERICK: I would just caution you</p> <p>24 not to reveal any confidential communications or mental</p> <p>25 impressions or thought process, but as to your -- the</p>



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<p style="text-align: center;">185</p> <p>1 process, you may answer.</p> <p>2 A. It was the same as what we had testified</p> <p>3 earlier, I think, on the Senate bill 362, and I sat next</p> <p>4 to the Senator and helped him with his debate and</p> <p>5 providing him information that he asked me to provide</p> <p>6 him during the debate.</p> <p>7 Q. (By Ms. Maranzano) So you were on the Floor</p> <p>8 with him during the debate?</p> <p>9 A. During the Committee of the Whole, yes, ma'am.</p> <p>10 Q. And when you say this individual testified with</p> <p>11 moving testimony that potentially led Senator Patrick to</p> <p>12 include this exemption, was that during the Committee of</p> <p>13 the Whole?</p> <p>14 A. Yes, ma'am.</p> <p>15 Q. How did the exception for individuals with</p> <p>16 religious objections to being photographed come to be</p> <p>17 included in SB 14?</p> <p>18 MR. FREDERICK: I'll object only to the</p> <p>19 extent that it seeks confidential communications,</p> <p>20 thought processes or mental impressions. But to the</p> <p>21 extent it seeks the process or public discussion, you</p> <p>22 may answer.</p> <p>23 A. I'll assert privilege. I don't -- yeah.</p> <p>24 MR. FREDERICK: I mean, just -- I want to</p> <p>25 be clear with you. I'm not instructing her not to</p>	<p style="text-align: center;">187</p> <p>1 Q. Was that something that you looked into while</p> <p>2 developing SB 14?</p> <p>3 A. Yes, ma'am.</p> <p>4 Q. And were the costs, in particular, something</p> <p>5 that you looked into while developing SB 14?</p> <p>6 MR. FREDERICK: Object on the grounds of</p> <p>7 legislative privilege. Instruct you not to answer.</p> <p>8 A. I'll assert privilege.</p> <p>9 Q. (By Ms. Maranzano) If there are costs to</p> <p>10 obtaining underlying documentation for the election</p> <p>11 identification certificate, is it fair to say the</p> <p>12 election identification certificate is not actually</p> <p>13 free?</p> <p>14 MR. FREDERICK: Object to the form of the</p> <p>15 question. Object, it calls for speculation. And object</p> <p>16 to relevance. If you -- if you have an opinion, you may</p> <p>17 answer.</p> <p>18 Q. (By Ms. Maranzano) Do you have an opinion?</p> <p>19 A. I do not.</p> <p>20 Q. You have no opinion on that?</p> <p>21 A. I don't know which documents are required to</p> <p>22 get an ID at this point. I don't remember. And so I</p> <p>23 don't recall why people wouldn't or would not have</p> <p>24 them. So my opinion, I mean, I'd have to go back and</p> <p>25 kind of look.</p>
<p style="text-align: center;">186</p> <p>1 answer about when it was introduced or how it became</p> <p>2 part of the bill. And so I think if you want to probe</p> <p>3 that further, I'm not objecting to that part.</p> <p>4 MS. MARANZANO: Okay.</p> <p>5 Q. (By Ms. Maranzano) Was that provision added in</p> <p>6 response to any particular concern, Ms. McCoy?</p> <p>7 MR. FREDERICK: I'll just -- only to the</p> <p>8 extent it seeks mental impressions, communications, but</p> <p>9 if there's testimony, Floor testimony, and if you know,</p> <p>10 you may answer.</p> <p>11 A. There was not Floor testimony on that issue.</p> <p>12 Q. (By Ms. Maranzano) During the drafting of the</p> <p>13 legislator's consideration of SB 14, was there analysis</p> <p>14 of the cost that a voter would need to take -- the cost</p> <p>15 or the steps the voter would need to take to obtain an</p> <p>16 election identification certificate?</p> <p>17 MR. FREDERICK: Objection, legislative</p> <p>18 privilege. Instruct you not to answer.</p> <p>19 A. I'll assert privilege.</p> <p>20 Q. (By Ms. Maranzano) What documents are needed</p> <p>21 to obtain an election identification certificate?</p> <p>22 A. I don't know.</p> <p>23 Q. Was that something that you -- I'm sorry. You</p> <p>24 can finish your answer.</p> <p>25 A. I used to know, but I don't know now.</p>	<p style="text-align: center;">188</p> <p>1 Q. If -- if you were to determine that there were</p> <p>2 costs to obtaining those underlying documentations for</p> <p>3 an individual who did not have them --</p> <p>4 A. Right.</p> <p>5 Q. -- would you say it would be fair to</p> <p>6 characterize the election identification certificate as</p> <p>7 free?</p> <p>8 MR. FREDERICK: Objection to the form of</p> <p>9 the question. You can answer if you can.</p> <p>10 A. I suppose not.</p> <p>11 Q. (By Ms. Maranzano) Do you know when driver's</p> <p>12 license offices are open in Texas?</p> <p>13 A. I do not.</p> <p>14 Q. Does SB 14 require employers to provide paid</p> <p>15 leave to obtain an ID?</p> <p>16 A. No.</p> <p>17 Q. Do some individuals in Texas live at least 50</p> <p>18 miles from a driver's license office?</p> <p>19 A. I think there was testimony to that effect,</p> <p>20 yes.</p> <p>21 Q. How much does gas cost in Texas?</p> <p>22 A. Texas is a big state. It varies. I think in</p> <p>23 Austin right now it's 3.55 a gallon.</p> <p>24 Q. So how much would it cost for somebody to drive</p> <p>25 a hundred miles round trip?</p>

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<p style="text-align: center;">189</p> <p>1 MR. FREDERICK: Objection, calls for 2 speculation. 3 A. Depends on their car, how they drive. 4 Q. (By Ms. Maranzano) Do you know whether any 5 racial or ethnic group is more likely than not have the 6 necessary ID to obtain the election identification 7 certificate? 8 MR. FREDERICK: I'll object only to the 9 time extent that this can be construed to seek 10 information related to the development of SB 11 14. Insofar as you can answer based on your knowledge, 12 sitting here today, you may answer. 13 A. Can you repeat the question? 14 Q. (By Ms. Maranzano) Is there any racial or 15 ethnic group that is more likely to not possess the 16 underlying documentation needed to obtain election 17 identification certificate? 18 A. I do not know. 19 Q. Is that something that you ever looked into 20 during the development of SB 14? 21 MR. FREDERICK: Objection, legislative 22 privilege. I instruct you not to answer. 23 A. I'll assert privilege. 24 Q. (By Ms. Maranzano) Did you ever look into or 25 analyze who among registered voters would be -- might</p>	<p style="text-align: center;">191</p> <p>1 Q. (By Ms. Maranzano) Did the Senator seek legal 2 advice from anybody about to ensure that Senate Bill 14 3 would comply with Section 5? 4 MR. FREDERICK: I'm going to object on the 5 grounds that it seeks information within the attorney- 6 client privilege. I think the fact that he might have 7 sought some legal would not itself be privileged, but 8 the question -- the question entails the substance of 9 the advice that he may or may not have sought, so I 10 object on that ground. 11 MS. MARANZANO: And you're instructing 12 Ms. McCoy not to answer? 13 MR. FREDERICK: Yes. Yes. 14 Q. (By Ms. Maranzano) Are you going to follow 15 your counsel's advice? 16 A. Yes, ma'am. 17 Q. Was the passage of SB 14 a priority for Senator 18 Fraser? 19 MR. FREDERICK: I'll object on legislative 20 privilege and instruct you not to answer as to the 21 extent it calls for confidential communications, but to 22 the extent it's in a public statement or testimony, you 23 can answer. 24 A. I think the answer is he consistently told his 25 constituents that he thought voter ID needed to be</p>
<p style="text-align: center;">190</p> <p>1 not have the forms of identification included in SB 14? 2 MR. FREDERICK: Objection, legislative 3 privilege. I instruct you not to answer, except to the 4 extent you can do so based on nonconfidential matters or 5 nonprivileged matters. 6 A. The specific question again was? 7 Q. (By Ms. Maranzano) Did you ever research or 8 analyze who among registered voters in Texas would be 9 more likely or less likely to have the required forms of 10 identification under SB 14? 11 A. No. 12 Q. No, you never looked into that? 13 A. That is correct. 14 Q. Why not? 15 MR. FREDERICK: Objection, legislative 16 privilege. Instruct you not to answer. 17 A. I'll assert privilege. 18 Q. (By Ms. Maranzano) Would you agree that that 19 might be a relevant inquiry pursuant to Section 5? 20 MR. FREDERICK: Objection, calls for 21 speculation. Objection, calls for a legal opinion. You 22 can answer if you can. 23 A. As I testified earlier, I didn't really 24 consider Section 5 when I was helping the Senator 25 develop this bill.</p>	<p style="text-align: center;">192</p> <p>1 passed. 2 Q. (By Ms. Maranzano) Did his constituents ask 3 for him to pass some sort of voter ID law? 4 MR. FREDERICK: We'll object to the extent 5 that seeks -- to the extent it seeks the substance of 6 any particular constituent communication. If you can 7 answer based on nonconfidential communications from 8 constituents, you may answer. 9 A. I assert the privilege. 10 Q. (By Ms. Maranzano) Was passage of SB 14 a 11 priority for Governor Perry? 12 A. He declared it an emergency. I can't speak 13 further than that. 14 Q. Was passage of the SB 14 a priority for any 15 interest groups that you're aware of? 16 A. Not that I'm aware of, no. 17 Q. What was the purpose of SB 14? 18 MR. FREDERICK: I'm just going to give a 19 cautionary instruction. You may testify about the 20 purpose of SB 14 to the extent you know. I would only 21 caution you not to reveal the substance of the 22 confidential communications between yourself and the 23 legislature or any legislative thought process or mental 24 impressions. But as to the purpose of the bill, you may 25 testify.</p>



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<p style="text-align: center;">193</p> <p>1 A. Senator Fraser consistently said on the record</p> <p>2 that his purpose was to stop in-person voter fraud.</p> <p>3 Q. (By Ms. Maranzano) Were there any additional</p> <p>4 purposes to SB 14?</p> <p>5 A. Election integrity.</p> <p>6 Q. What does that mean?</p> <p>7 A. It means -- it means that elections are valid</p> <p>8 and true and there isn't fraud.</p> <p>9 Q. Any other purposes?</p> <p>10 A. (Witness shakes head no.) No. I'm sorry.</p> <p>11 Q. Thank you. Were there any purposes of SB 14</p> <p>12 that were not stated on the public record?</p> <p>13 MR. FREDERICK: Object, legislative</p> <p>14 privilege. Instruct you not to answer.</p> <p>15 Q. (By Ms. Maranzano) Are you following your</p> <p>16 counsel's advice?</p> <p>17 A. I am.</p> <p>18 Q. Was any part of the purpose of SB 14 to</p> <p>19 decrease the number of Hispanic voters?</p> <p>20 MR. FREDERICK: Object, legislative</p> <p>21 privilege. Instruct you not to answer.</p> <p>22 A. I'll assert privilege.</p> <p>23 Q. (By Ms. Maranzano) Was any part of the purpose</p> <p>24 of SB 14 to decrease the number of any group of minority</p> <p>25 voters?</p>	<p style="text-align: center;">195</p> <p>1 nonlegitimate voter?</p> <p>2 A. No.</p> <p>3 Q. Who are the main opponents of SB 14?</p> <p>4 A. I think the Senate Democrats, Democrat</p> <p>5 members. I think the Texas Democratic party.</p> <p>6 Q. Did any minority members of the Senate support</p> <p>7 SB 14?</p> <p>8 MR. FREDERICK: Object on legislative</p> <p>9 privilege, only to the extent that support or opposition</p> <p>10 was expressed confidentially by a legislator or staff</p> <p>11 member to you.</p> <p>12 A. No minority senator voted for the bill.</p> <p>13 Q. (By Ms. Maranzano) Did any groups representing</p> <p>14 minority voters support SB 14?</p> <p>15 MR. FREDERICK: Same cautionary</p> <p>16 instruction. You may answer to the extent that you know</p> <p>17 from public statements or the legislative record, but</p> <p>18 caution you not to reveal any privileged matter</p> <p>19 communicated to you by a constituent.</p> <p>20 A. I don't know.</p> <p>21 Q. (By Ms. Maranzano) Did the Senator consider</p> <p>22 any alternative legislative measures that would have</p> <p>23 deterred voter fraud?</p> <p>24 MR. FREDERICK: Objection, legislative</p> <p>25 privilege, and instruct you not to answer.</p>
<p style="text-align: center;">194</p> <p>1 MR. FREDERICK: Objection, legislative</p> <p>2 privilege. I'll instruct you not to answer.</p> <p>3 A. I'll assert.</p> <p>4 Q. (By Ms. Maranzano) Was any part of the purpose</p> <p>5 of SB 14 to discriminate in any way against any group of</p> <p>6 minority voters?</p> <p>7 MR. FREDERICK: Objection, legislative</p> <p>8 privilege. Instruct you not to answer.</p> <p>9 A. Assert the privilege.</p> <p>10 Q. (By Ms. Maranzano) Was any part of the purpose</p> <p>11 of SB 14 for partisan purposes?</p> <p>12 MR. FREDERICK: Objection, legislative</p> <p>13 privilege. I'll instruct you not to answer.</p> <p>14 A. Assert the privilege.</p> <p>15 Q. (By Ms. Maranzano) Did the purpose of photo ID</p> <p>16 in Texas evolve over time in legislative sessions?</p> <p>17 MR. FREDERICK: Object on the basis of</p> <p>18 legislative privilege. Instruct you not to answer</p> <p>19 unless you can do so based on public statements or</p> <p>20 testimony.</p> <p>21 A. Senator Fraser's stated purpose has always been</p> <p>22 to be prevent in-person voter fraud across the sessions.</p> <p>23 Q. (By Ms. Maranzano) Have you ever heard of a</p> <p>24 voter who decides not to vote on election day because</p> <p>25 they're worried their vote will be diluted by a</p>	<p style="text-align: center;">196</p> <p>1 A. I'll assert.</p> <p>2 Q. (By Ms. Maranzano) What was the Senator's</p> <p>3 strategy to ensure that Senate Bill 14 was passed?</p> <p>4 MR. FREDERICK: Objection, legislative</p> <p>5 privilege. Instruct you not to answer.</p> <p>6 A. I'll assert.</p> <p>7 (Exhibit 38 marked for identification.)</p> <p>8 Q. (By Ms. Maranzano) Ms. McCoy, I'm showing you</p> <p>9 what we marked as Deposition Exhibit 38. Do you</p> <p>10 recognize what this -- what this is?</p> <p>11 A. Yes.</p> <p>12 Q. What is it?</p> <p>13 A. It's the Senate Rules Adopted by the 82nd</p> <p>14 Legislature.</p> <p>15 Q. And this, what I've given you is actually the</p> <p>16 table of contents and some portion of the rules. It's</p> <p>17 not the entire set of Senate rules. Can you look at the</p> <p>18 table of contents and tell me what procedural rules are</p> <p>19 implicated by the consideration of SB 14, what</p> <p>20 procedural rules were applied to SB 14's consideration?</p> <p>21 MR. FREDERICK: Objection, vague. You can</p> <p>22 answer if you can.</p> <p>23 A. I'm not sure.</p> <p>24 Q. (By Ms. Maranzano) Oh, you know what, that</p> <p>25 looks like it's highlighted.</p>

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<p style="text-align: center;">197</p> <p>1 A. It is highlighted. Is that the one you want?</p> <p>2 MS. MARANZANO: Why don't we mark a clean</p> <p>3 one for the record.</p> <p>4 MR. FREDERICK: Here, that one's got a</p> <p>5 mark on it. I've got a clean one right here.</p> <p>6 MS. MARANZANO: Thank you.</p> <p>7 MR. FREDERICK: Here's your highlighted</p> <p>8 one.</p> <p>9 (Clean copy Exhibit 38 exchanged for</p> <p>10 highlighted copy originally marked.)</p> <p>11 A. I don't --</p> <p>12 Q. (By Ms. Maranzano) If you look -- let's look</p> <p>13 at Rule 5.11.</p> <p>14 A. Yes, ma'am.</p> <p>15 Q. Subsection D of 5.11. Is that the same</p> <p>16 provision that we talked about earlier that was included</p> <p>17 in the 2009 rules that carves out voter identification</p> <p>18 requirements from the two-thirds rule?</p> <p>19 A. Yes, ma'am.</p> <p>20 Q. And can you look at Rule 16 for me?</p> <p>21 You can scratch looking at Rule 16.</p> <p>22 THE REPORTER: I'm sorry. I didn't get</p> <p>23 that.</p> <p>24 MS. MARANZANO: I said she could scratch</p> <p>25 reviewing Rule 16.</p>	<p style="text-align: center;">199</p> <p>1 MR. FREDERICK: Object based on</p> <p>2 legislative privilege, to the extent it calls for</p> <p>3 substance of any communication or your thought process</p> <p>4 or Senator Fraser's thought process. However, to the</p> <p>5 extent you can answer without revealing that, you may</p> <p>6 describe your preparation.</p> <p>7 A. Typically, when we do floor prep for Senate</p> <p>8 Bill 14 or any bill, we put together a bill book, which</p> <p>9 includes the bill, the bill analysis, the fiscal notes,</p> <p>10 any supporting documentation and talking points. And</p> <p>11 that's what I did for Senate Bill 14.</p> <p>12 Q. (By Ms. Maranzano) And do you write the</p> <p>13 talking points?</p> <p>14 A. Yes. Or -- not for every bill. I did for</p> <p>15 Senate Bill 14.</p> <p>16 Q. And is the bill analysis what we've previously</p> <p>17 discussed, a section-by-section analysis of the bill?</p> <p>18 A. Yes, ma'am.</p> <p>19 Q. And do you write that?</p> <p>20 A. No, ma'am.</p> <p>21 Q. Who does?</p> <p>22 A. Those are prepared through the committee</p> <p>23 process, and I think the Senate Research Center prepares</p> <p>24 those.</p> <p>25 Q. Are you familiar with this Floor testimony on</p>
<p style="text-align: center;">198</p> <p>1 Q. (By Ms. Maranzano) Can you look at Rule 12.03</p> <p>2 about conference committees?</p> <p>3 A. Yes, ma'am.</p> <p>4 Q. And do you see that Section 4 states -- well,</p> <p>5 can you read Section 4 for me and tell me what your</p> <p>6 understanding of that subsection of the rule is?</p> <p>7 A. "Add text on any matter which is not included</p> <p>8 in either the House or Senate version of the bill or</p> <p>9 resolution."</p> <p>10 Q. What's your understanding of what this rule</p> <p>11 does?</p> <p>12 A. That rule says that when a bill is in</p> <p>13 conference committee, they -- the conference committee</p> <p>14 should not consider including provisions that weren't in</p> <p>15 either of the House or Senate passed versions.</p> <p>16 Q. How many times have you seen that section of</p> <p>17 the rule disregarded while you've worked for Senator</p> <p>18 Fraser?</p> <p>19 A. Probably happens 20 to 30 times a session.</p> <p>20 Q. What type of bills does that happen on?</p> <p>21 A. All types.</p> <p>22 Q. Was SB 14 considered by any -- you know what,</p> <p>23 scratch that. I think we've talked about that already.</p> <p>24 What did you do to ensure that Senator</p> <p>25 Fraser was prepared for Floor consideration of SB 14?</p>	<p style="text-align: center;">200</p> <p>1 SB 14?</p> <p>2 A. Generally.</p> <p>3 Q. And I believe you testified earlier you were</p> <p>4 with the Senator, correct?</p> <p>5 A. For some of it. I don't -- I think I got up</p> <p>6 and left for part of it. Actually, I know I got up and</p> <p>7 left for part of it.</p> <p>8 Q. During the Floor consideration of SB 14, did</p> <p>9 Senator Fraser answer any questions about SB 14 by</p> <p>10 saying he was not advised?</p> <p>11 A. Can we be clear when we're talking about Floor</p> <p>12 consideration, Committee of the Whole consideration</p> <p>13 or Floor? Specifically when we talk about the Floor,</p> <p>14 it's when they're actually in session on the Floor. The</p> <p>15 Committee of the Whole meets on the senate Floor, just</p> <p>16 because there's no other place for them to meet.</p> <p>17 So during the Committee of the Whole</p> <p>18 debate, there were times that Senator Fraser said "I'm</p> <p>19 not advised."</p> <p>20 Q. What does that mean, "I'm not advised"?</p> <p>21 MR. FREDERICK: Object, based on</p> <p>22 legislative privilege, only to the extent it asks for</p> <p>23 Senator Fraser's thought process or mental impressions.</p> <p>24 To the extent you can answer from your own personal</p> <p>25 knowledge of what "I'm not advised" means, you may.</p>



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<p style="text-align: center;">201</p> <p>1 A. Typically, when a senator says that, it means</p> <p>2 they don't know.</p> <p>3 Q. (By Ms. Maranzano) About how many questions</p> <p>4 did he answer by saying "I'm not advised"?</p> <p>5 A. I don't know.</p> <p>6 Q. Can you approximate?</p> <p>7 A. No.</p> <p>8 Q. Would you say it was hundreds?</p> <p>9 A. I don't remember.</p> <p>10 Q. Isn't it part of the Senator's role as author</p> <p>11 of the bill to answer questions about the bill?</p> <p>12 MR. FREDERICK: Objection, argumentative.</p> <p>13 You may answer.</p> <p>14 A. The Senator offered his colleagues that he</p> <p>15 didn't know the answer to some questions and that</p> <p>16 resource and expert witnesses were going to testify</p> <p>17 later during the committee, and those questions would be</p> <p>18 better addressed to those resource expert witnesses.</p> <p>19 Q. (By Ms. Maranzano) Did anyone instruct Senator</p> <p>20 Fraser not to answer substantive questions about SB 14</p> <p>21 during the Committee of the Whole?</p> <p>22 MR. FREDERICK: Objection, legislative</p> <p>23 privilege. Instruct you not to answer.</p> <p>24 A. I'll assert privilege.</p> <p>25 Q. (By Ms. Maranzano) During -- during the</p>	<p style="text-align: center;">203</p> <p>1 Q. Was that testimony that you would consider to</p> <p>2 be important?</p> <p>3 MR. FREDERICK: Objection, vague. You may</p> <p>4 answer.</p> <p>5 A. To some people, yes.</p> <p>6 Q. (By Ms. Maranzano) How about to you?</p> <p>7 A. No.</p> <p>8 Q. Why not?</p> <p>9 A. I just work for the Senator. I don't --</p> <p>10 Q. Well, part of your job in working for the</p> <p>11 Senator is giving him advice on this bill, is it not?</p> <p>12 A. Yes.</p> <p>13 Q. And so the impact of this bill on minority</p> <p>14 voters is a relevant consideration, is it not?</p> <p>15 A. Yes.</p> <p>16 Q. So I'm just wondering why that wasn't an</p> <p>17 important testimony to you.</p> <p>18 MR. FREDERICK: Object to the extent it</p> <p>19 mischaracterizes the testimony, but you may answer if</p> <p>20 you can.</p> <p>21 A. I think that the position that the Senator had</p> <p>22 relative to this bill wasn't going to change because of</p> <p>23 testimony we heard in January of 2011, because we heard</p> <p>24 the same testimony in January of 2009, and we heard the</p> <p>25 same testimony in May of '07.</p>
<p style="text-align: center;">202</p> <p>1 Committee of the Whole's consideration of SB 14, did</p> <p>2 anyone raise concerns about the impact of SB 14 on</p> <p>3 minority voters?</p> <p>4 A. Yes.</p> <p>5 Q. What was the Senator's response?</p> <p>6 A. I don't remember.</p> <p>7 Q. You don't recall how he responded?</p> <p>8 A. (Witness shakes head no.)</p> <p>9 Q. Did numerous senators raise concerns about the</p> <p>10 impact of SB 14 on minority voters?</p> <p>11 MR. FREDERICK: Objection, legislative</p> <p>12 privilege, only to the extent it calls for confidential</p> <p>13 communications. Anything on the committee or on the</p> <p>14 Floor, you may testify about.</p> <p>15 A. I think that 10 of the 12 Democrat senators</p> <p>16 testified against the bill during the Committee of the</p> <p>17 Whole. May have been 9. May have been 11. It wasn't</p> <p>18 all 12.</p> <p>19 Q. (By Ms. Maranzano) But my question was about</p> <p>20 testimony related to concerns about the impact of SB 14</p> <p>21 on minority voters. It not about --</p> <p>22 A. I don't recall what they said. I know that</p> <p>23 many senators testified against the bill, but I can't</p> <p>24 recall what each of them said. So I cannot answer that</p> <p>25 question.</p>	<p style="text-align: center;">204</p> <p>1 So the testimony is important to the</p> <p>2 people that were giving it, mainly, I think, because</p> <p>3 they were trying to put it on the record for you guys,</p> <p>4 but it wasn't going to change my recommendations to the</p> <p>5 Senator on how to proceed with this legislation.</p> <p>6 Q. (By Ms. Maranzano) Did you take any actions</p> <p>7 with regard to Senate Bill 14 in response to those</p> <p>8 concerns?</p> <p>9 MR. FREDERICK: Objection, legislative</p> <p>10 privilege. Instruct you not to answer.</p> <p>11 A. I'll assert privilege.</p> <p>12 (Exhibit 39 marked for identification.)</p> <p>13 Q. (By Ms. Maranzano) I'm showing you what we've</p> <p>14 marked for the record as Deposition Exhibit 39. Can you</p> <p>15 turn to the label at the bottom, Texas 00000098, and</p> <p>16 look at the portion of the print?</p> <p>17 Well, let me ask you first, do you</p> <p>18 recognize this document, or can you tell me what this</p> <p>19 document is?</p> <p>20 A. I've never seen this document, but it is a</p> <p>21 transcript of the Committee of the Whole from Tuesday,</p> <p>22 January 25, 2011.</p> <p>23 Q. Can you look at the transcript Page 168. And</p> <p>24 do you see that there's a question posed by Senator Wes</p> <p>25 as to whether the forms of identification that are</p>

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<p style="text-align: center;">205</p> <p>1 listed in the bill are the least restrictive options in  2 order to achieve the goal of avoiding what you have said  3 is voter identification fraud?  4 A. Uh-huh. Yes.  5 Q. And can you look at Senator Fraser's answer to  6 that?  7 A. (Witness complies.)  8 Q. Is that a topic that you looked into prior to  9 introducing Senate Bill 14 of whether this was the least  10 restrictive way to achieve the Senator's goal?  11 MR. FREDERICK: Objection, legislative  12 privilege. Instruct you not to answer.  13 A. I'll assert privilege.  14 Q. (By Ms. Maranzano) Can you tell me anything  15 about that topic based on the comments that were made in  16 public during the Committee of the Whole, Ms. McCoy?  17 MR. FREDERICK: Object to the form, but  18 you may answer.  19 A. Well, I can speak to what Senator Fraser said.  20 The Secretary of State had provided us information,  21 which he referenced here, showing that people -- 91  22 percent of voters registered with their driver's license  23 under HAVA.  24 Q. (By Ms. Maranzano) 90 percent of the -- of  25 voter registration applicants registered with their</p>	<p style="text-align: center;">207</p> <p>1 the top? Actually, the quote starts -- I'm sorry. The  2 quote starts on Page 188 from Senator Fraser. If you  3 can just take a look at that.  4 Does that appear to be saying that there  5 are very small differences between Texas's bill and  6 Indiana and Georgia's bill?  7 A. That does what it seems to be saying.  8 Q. Are you familiar with the Indiana and Georgia  9 photo identification requirement?  10 A. No.  11 Q. Didn't you testify earlier that you had looked  12 at those two states when you were developing SB 14 362?  13 A. We looked at voter turnout from those two  14 states. I never looked at the legislation.  15 Q. So, Ms. McCoy, you've never looked at either  16 Indiana or Georgia's photo identification requirements?  17 A. I might have printed out a copy of Indiana's,  18 and I might have seen a table that included the  19 different IDs that allowed under every state's photo ID  20 law, but I've never looked at Indiana or Georgia's  21 legislation in depth, no.  22 Q. So do you have any position on whether the  23 Indiana and Georgia identification requirements are  24 similar to SB 14?  25 A. I do not have a position, no.</p>
<p style="text-align: center;">206</p> <p>1 driver's license number?  2 A. Under the HAVA requirement.  3 Q. And do you know when HAVA started requiring  4 people to write down their driver's license number?  5 A. Texas passed its version of HAVA in 2005, so I  6 would assume it took a while to make sure -- it started  7 probably that fall of 2005 or 2006. Sometimes we start  8 things in January of the next year.  9 Q. And did anybody ever -- or did you or the  10 Senator ever conduct any analysis of who those 10  11 percent, approximately 10 percent of registered voters  12 without driver's license numbers might be and whether or  13 not they might have any other forms of identification?  14 MR. FREDERICK: Objection, legislative  15 privilege, and instruct you not to answer.  16 A. I'll assert privilege.  17 Q. (By Ms. Maranzano) Okay. I'm going to have  18 this marked.  19 (Exhibit 40 marked for identification.)  20 Q. (By Ms. Maranzano) I'm showing you what we are  21 marking as Deposition Exhibit 40, which is a transcript  22 of another transcript of the Committee of the Whole from  23 Tuesday, January 26, 2011.  24 Can you look at the second page of this  25 document that's labeled on the transcript as Page 189 at</p>	<p style="text-align: center;">208</p> <p>1 (Exhibit 41 marked for identification.)  2 Q. (By Ms. Maranzano) Okay. I'm showing you what  3 we've marked as Deposition Exhibit --  4 MR. FREDERICK: Do you have one for me?  5 MS. MARANZANO: Sorry. I only have one  6 copy.  7 MS. WESTFALL: Can you look on with the  8 witness?  9 MR. FREDERICK: Oh, yeah, yeah, I'll look  10 at this one.  11 Q. (By Ms. Maranzano) Ms. McCoy, this is a  12 transcript from July 26, 2011. The Committee of the  13 Whole's consideration of SB 14. I'm going to direct you  14 to certain pages, but I want to say at the beginning,  15 this transcript has two sets of pagination. On the  16 left-hand side, it says "CD Number" and "Section  17 Number," and then it also has a page. So I will give  18 you both of those, because it has -- the pagination  19 restarts with every CD and section number.  20 A. Okay. But I want to clarify this isn't from  21 the Committee of the Whole. This is from when the  22 Senate was actually in session as the Senate.  23 Q. Okay. Thank you for that clarification.  24 A. You're welcome.  25 Q. Can you turn to Page 34 on CD 1, Section 1?</p>



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<p style="text-align: center;">209</p> <p>1 A. Hold on. Okay.</p> <p>2 Q. Were you on the Floor with the Senator during</p> <p>3 -- during the Floor consideration on January 26th of SB</p> <p>4 14?</p> <p>5 A. Yes, but --</p> <p>6 Q. Yes, but?</p> <p>7 A. Can I just clarify?</p> <p>8 Q. Yes, please.</p> <p>9 A. During the Committee of the Whole, I could</p> <p>10 actually be inside the rail right next to the Senator.</p> <p>11 When the Senate was in full session, I had to be outside</p> <p>12 the rail away from the Senator's desk.</p> <p>13 Q. Okay. Did you communicate with the Senator</p> <p>14 during that time?</p> <p>15 A. As much as you can if they turn around and look</p> <p>16 at you.</p> <p>17 Q. You didn't -- you didn't communicate by a</p> <p>18 Blackberry or cell phone?</p> <p>19 A. No, ma'am.</p> <p>20 Q. Okay. Can you take a look at on Page 34, where</p> <p>21 it starts with the testimonies by Davis? Can you just</p> <p>22 take a look at that?</p> <p>23 A. I think I'm on the wrong page.</p> <p>24 MR. FREDERICK: I think you're on Section</p> <p>25 2. Got Section 1.</p>	<p style="text-align: center;">211</p> <p>1 MR. FREDERICK: Well, you may answer the</p> <p>2 question whether or not you had a role.</p> <p>3 A. Yes.</p> <p>4 Q. (By Ms. Maranzano) What was your role?</p> <p>5 MR. FREDERICK: I'll object to legislative</p> <p>6 privilege, to the extent it seeks confidential</p> <p>7 communications, thought processes or mental</p> <p>8 impressions. But to the extent you can describe your</p> <p>9 role without going into that, then you may answer the</p> <p>10 question.</p> <p>11 A. I provided the Senator with some thoughts on</p> <p>12 what he could say if certain amendments that we thought</p> <p>13 were going to be introduced were introduced.</p> <p>14 Q. (By Ms. Maranzano) And did you provide him</p> <p>15 with a recommendation on how to vote on certain</p> <p>16 amendments?</p> <p>17 MR. FREDERICK: Just caution you, I mean,</p> <p>18 you can answer the question as phrased, whether or not</p> <p>19 you offered a recommendation.</p> <p>20 A. I did not.</p> <p>21 Q. (By Ms. Maranzano) Why -- well, how would this</p> <p>22 amendment introduced by Senator Davis have interfered</p> <p>23 with the Senator's goals of deterring voter fraud?</p> <p>24 MR. FREDERICK: Object on legislative</p> <p>25 privilege.</p>
<p style="text-align: center;">210</p> <p>1 A. Okay.</p> <p>2 MR. FREDERICK: Yeah.</p> <p>3 A. Okay.</p> <p>4 Q. (By Ms. Maranzano) Can you just take look at</p> <p>5 that amendment which starts with Davis? And then the</p> <p>6 action that's taken on that amendment is lower on the</p> <p>7 page. Do you recall this amendment being offered?</p> <p>8 MR. FREDERICK: Just to clarify, is</p> <p>9 this -- is it Floor Amendment 12 we're talking about?</p> <p>10 MS. MARANZANO: Yes. I think that's</p> <p>11 right.</p> <p>12 A. I don't recall, because I'm not seeing the text</p> <p>13 of the amendment.</p> <p>14 Q. (By Ms. Maranzano) Uh-huh.</p> <p>15 A. So I don't -- I don't recall.</p> <p>16 Q. Do you recall that Senator Davis introduced an</p> <p>17 amendment to prohibit state agencies from charging fees</p> <p>18 for the issuance of any acceptable ID under SB 14?</p> <p>19 A. Not really, no.</p> <p>20 Q. Do you recall that Senator Fraser moved to</p> <p>21 table that amendment?</p> <p>22 A. I mean, I can see that he did. I don't recall</p> <p>23 this particular part of the debate.</p> <p>24 Q. Did you have any role in recommending to him</p> <p>25 how to handle amendments to SB 14?</p>	<p style="text-align: center;">212</p> <p>1 Q. (By Ms. Maranzano) Ms. McCoy, as you're</p> <p>2 sitting here today, are you aware of any ways in which</p> <p>3 not charging for the acceptable forms of identification</p> <p>4 under SB 14 would interfere with the goal of deterring</p> <p>5 in-person voter impersonation?</p> <p>6 A. No.</p> <p>7 Q. Can you turn to what's labeled as CD-1, Section</p> <p>8 2, Page 28 through 30?</p> <p>9 A. (Witness complies.)</p> <p>10 Q. You see that this testimony is related to an</p> <p>11 amendment proposed by Senator Ellis that would have</p> <p>12 required the Secretary of State to conduct a study</p> <p>13 including information about the number of eligible</p> <p>14 voters who are prevented from voting or have to vote</p> <p>15 provisionally because they lacked an ID?</p> <p>16 A. Yes.</p> <p>17 Q. And do you recall that amendment being offered?</p> <p>18 A. Yes, ma'am.</p> <p>19 Q. Did you provide a recommendation to Senator</p> <p>20 Fraser as to how to handle that amendment?</p> <p>21 MR. FREDERICK: I'll caution. You can</p> <p>22 answer the question as phrased, as long as you don't</p> <p>23 reveal the substance of any confidential communication.</p> <p>24 A. No.</p> <p>25 Q. (By Ms. Maranzano) Did Senator Fraser move to</p>

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<p style="text-align: center;">213</p> <p>1 table that amendment?</p> <p>2 A. Yes.</p> <p>3 Q. And how would conducting a study about who was</p> <p>4 impacted by SB 14 have interfered with the Senator's</p> <p>5 goals of deterring in-person voter impersonation?</p> <p>6 MR. FREDERICK: Objection, legislative</p> <p>7 privilege. Instruct you not to answer.</p> <p>8 A. I'll assert privilege.</p> <p>9 Q. (By Ms. Maranzano) Was Senator Fraser</p> <p>10 concerned that such a study would show that minorities</p> <p>11 are disproportionately impacted by Senate Bill 14?</p> <p>12 MR. FREDERICK: Objection, legislative</p> <p>13 privilege. Instruct you not to answer.</p> <p>14 A. I'll assert privilege.</p> <p>15 Q. (By Ms. Maranzano) Can I have you turn to --</p> <p>16 I'm going to actually get out another exhibit.</p> <p>17 (Exhibit 42 marked for identification.)</p> <p>18 Q. (By Ms. Maranzano) I'm showing you what we're</p> <p>19 marking as Deposition Exhibit 42. If you could look at</p> <p>20 the side of the page that has 28 at the top. Actually,</p> <p>21 I'm sorry. It starts on the bottom of 27. There's an</p> <p>22 amendment presented by Senator Gallegos that goes to the</p> <p>23 top.</p> <p>24 Do you see that Senator Gallegos offered</p> <p>25 an amendment that would have required driver's license</p>	<p style="text-align: center;">215</p> <p>1 privilege. I'll instruct you not to answer.</p> <p>2 A. I'll assert privilege.</p> <p>3 Q. (By Ms. Maranzano) Did Senator Fraser</p> <p>4 acknowledge on the Floor that a person needed to work to</p> <p>5 make sure that a driver's license office was open?</p> <p>6 A. Can you repeat that question?</p> <p>7 Q. Do you recall the Senator acknowledging on</p> <p>8 the -- during the consideration of SB 14, that people</p> <p>9 needed to work to make sure that a driver's license</p> <p>10 office was open?</p> <p>11 A. I do not recall.</p> <p>12 Q. Were there any other amendments that you</p> <p>13 haven't testified about that were offered that would</p> <p>14 have mitigated the impact of SB 14 on minority voters?</p> <p>15 MR. FREDERICK: Objection, assumes facts</p> <p>16 not in evidence. Also object on legislative</p> <p>17 privilege. Instruct you not to answer.</p> <p>18 A. I'll assert privilege.</p> <p>19 Q. (By Ms. Maranzano) Based on the public record,</p> <p>20 are there any amendments that we haven't discussed that</p> <p>21 you believe would have mitigated the impact of SB 14 on</p> <p>22 minority voters?</p> <p>23 MR. FREDERICK: Objection, assumes facts</p> <p>24 not in evidence. You -- otherwise, you may answer if</p> <p>25 you can.</p>
<p style="text-align: center;">214</p> <p>1 offices to be open until 7 p.m. on one weekend and</p> <p>2 during four or more hours on at least two Saturdays per</p> <p>3 month?</p> <p>4 A. Yes.</p> <p>5 Q. Did you provide a recommendation to Senator</p> <p>6 Fraser as to how to vote on this bill -- on this</p> <p>7 amendment?</p> <p>8 MR. FREDERICK: I just caution. You may</p> <p>9 answer the question as phrased. I advise you not to</p> <p>10 reveal the substance of any communication.</p> <p>11 A. No.</p> <p>12 Q. (By Ms. Maranzano) Did Senator Fraser move to</p> <p>13 table this amendment?</p> <p>14 A. Yes.</p> <p>15 Q. How would keeping driver's license offices open</p> <p>16 longer interfere with deterring in-person voter</p> <p>17 impersonation?</p> <p>18 MR. FREDERICK: Objection, legislative</p> <p>19 privilege. I instruct you not to answer.</p> <p>20 A. I'll assert privilege.</p> <p>21 Q. (By Ms. Maranzano) Did Senator Fraser have any</p> <p>22 concern that any individuals who work at hourly wage may</p> <p>23 have a difficult time making it to a driver's license</p> <p>24 office while it's open?</p> <p>25 MR. FREDERICK: Objection, legislative</p>	<p style="text-align: center;">216</p> <p>1 A. I don't recall every amendment offered.</p> <p>2 Q. (By Ms. Maranzano) Do you recall any amendment</p> <p>3 that you believe would have mitigated the impact of SB</p> <p>4 14 on minority voters?</p> <p>5 MR. FREDERICK: Again, object, assumes</p> <p>6 facts not in evidence. You may answer.</p> <p>7 A. I don't know how to answer, because I don't</p> <p>8 know that Senator Fraser or I think the bill impacted</p> <p>9 minority voters negatively. So the amendment -- I don't</p> <p>10 know that the -- the answer then is no, because I don't</p> <p>11 know that they would have added to what we already</p> <p>12 believe the bill did.</p> <p>13 Q. (By Ms. Maranzano) When did the Senate pass SB</p> <p>14 14 and refer it to the House?</p> <p>15 A. It was either January 26th or 27th when we</p> <p>16 passed it to engrossment. I don't recall exactly which</p> <p>17 day that occurred.</p> <p>18 Q. Is it unusual for the Senate to pass</p> <p>19 legislation within the first two weeks of a session?</p> <p>20 A. Yes.</p> <p>21 Q. Has that ever happened before during the time</p> <p>22 that you've worked for Senator Fraser?</p> <p>23 A. I don't recall.</p> <p>24 Q. Did the Senator have any role with regard to SB</p> <p>25 14 once it was referred to the House?</p>



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MAY 16, 2012

<p style="text-align: center;">217</p> <p>1 MR. FREDERICK: Object only to the extent</p> <p>2 it seeks privileged matters as to the fact, whether or</p> <p>3 not he had a role. You may answer.</p> <p>4 A. Yes.</p> <p>5 Q. (By Ms. Maranzano) What role was that?</p> <p>6 MR. FREDERICK: And I'll object on the</p> <p>7 basis of legislative privilege and instruct you not to</p> <p>8 answer to the extent that your answer would reveal</p> <p>9 his -- the Senator's or your thought process, mental</p> <p>10 impressions or disclose the substance of any privileged</p> <p>11 conversation. But to the extent you can describe his</p> <p>12 role without divulging that, you may answer.</p> <p>13 A. It was limited in that once Representative</p> <p>14 Harless was determined to be the House sponsor, we</p> <p>15 provided her the information that we had that she could</p> <p>16 move forward.</p> <p>17 Q. (By Ms. Maranzano) Was the Senator concerned</p> <p>18 about any of the changes to SB 14 that occurred in the</p> <p>19 House?</p> <p>20 MR. FREDERICK: Objection, legislative</p> <p>21 privilege. Instruct you not to answer.</p> <p>22 A. I'll assert privilege.</p> <p>23 Q. (By Ms. Maranzano) Was the Senator on the</p> <p>24 conference committee?</p> <p>25 A. Yes.</p>	<p style="text-align: center;">219</p> <p>1 privilege. Instruct you not to answer.</p> <p>2 A. I'll assert privilege.</p> <p>3 Q. (By Ms. Maranzano) What was the purpose of the</p> <p>4 conference committee removing the provision of SB 14</p> <p>5 that would have exempted from the photo ID requirement</p> <p>6 individuals whose ID had been stolen and who certified</p> <p>7 that in an affidavit?</p> <p>8 MR. FREDERICK: Objection, legislative</p> <p>9 privilege. Instruct you not to answer.</p> <p>10 A. I'll assert privilege.</p> <p>11 Q. (By Ms. Maranzano) Did the Senator ever</p> <p>12 discuss whether SB 14 might disproportionately impact</p> <p>13 minority voters?</p> <p>14 MR. FREDERICK: I'm sorry, Jennifer. You</p> <p>15 said did the Senate ever discuss --</p> <p>16 MS. MARANZANO: Senator. I'm sorry.</p> <p>17 Q. (By Ms. Maranzano) Did Senator Fraser ever</p> <p>18 discuss whether SB 14 might disproportionately impact</p> <p>19 minorities voters?</p> <p>20 MR. FREDERICK: Objection, legislative</p> <p>21 privilege, and instruct you not to answer, except to the</p> <p>22 extent that you recall public statements or statements</p> <p>23 on the Floor in the committee.</p> <p>24 A. He had discussions in the Committee of the</p> <p>25 Whole and on the Floor with other members about their</p>
<p style="text-align: center;">218</p> <p>1 Q. Did the conference committee change the</p> <p>2 structure of the identification card that was required</p> <p>3 to be issued free of charge?</p> <p>4 A. Yes.</p> <p>5 Q. Did they insert a new provision into the bill</p> <p>6 on that topic?</p> <p>7 A. Yes.</p> <p>8 Q. Is that unusual?</p> <p>9 MR. FREDERICK: Objection, vague. You may</p> <p>10 answer.</p> <p>11 A. As I testified earlier, the conference</p> <p>12 committees, 20, 30 times during a session, we'd go</p> <p>13 outside the bounds.</p> <p>14 Q. (By Ms. Maranzano) What was the purpose of the</p> <p>15 conference committee removing the provision of SB 14</p> <p>16 that would have allowed a tribal identification to be</p> <p>17 used by a voter?</p> <p>18 MR. FREDERICK: Objection, legislative</p> <p>19 privilege. Instruct you not to answer.</p> <p>20 A. I'll assert privilege.</p> <p>21 Q. (By Ms. Maranzano) What was the purpose of the</p> <p>22 conference committee removing a provision that would</p> <p>23 require the voter education that was required in SB 14</p> <p>24 be targeted at low income and minority voters?</p> <p>25 MR. FREDERICK: Objection, legislative</p>	<p style="text-align: center;">220</p> <p>1 impressions of the bill that it would impact minority</p> <p>2 voters.</p> <p>3 Q. Did he have discussions about this topic that</p> <p>4 are not included in the public record?</p> <p>5 MR. FREDERICK: I'll object, vague, object</p> <p>6 to form, and object on the legislative privilege, to the</p> <p>7 extent that it seeks the substance of any nonpublic</p> <p>8 conversation. To the extent you were aware of it, the</p> <p>9 fact of the conversation, you may testify to.</p> <p>10 A. I can't speak to the Senator's private</p> <p>11 conversations. I wasn't privy to them.</p> <p>12 Q. (By Ms. Maranzano) Are you aware of any</p> <p>13 legislators making any statements about illegal alien</p> <p>14 voting?</p> <p>15 A. Yes.</p> <p>16 Q. Who was that?</p> <p>17 A. I just know it happened. I don't remember who</p> <p>18 said it.</p> <p>19 Q. What was the statement?</p> <p>20 A. I don't know the specifics of it. I remember</p> <p>21 reading about it in the newspaper, but I don't remember</p> <p>22 who said it.</p> <p>23 Q. When -- when did you read about the statement?</p> <p>24 A. I want to say there was something in 2009, but</p> <p>25 I'm not -- I don't recall.</p>